IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1571 OF 2006

Hirasingh Motisingh Rajput .. Petitioner.
Vs.
Mangal Hirasingh Rajput & Anr. .. Respondents.

Mr.K.S.Patil for the petitioner.
Mr.P.A.Pol A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 7TH AUGUST, 2006

P.C.:

. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Mr.Patil, learned counsel for the petitioner submits that the petitioner may be released on bail on payment of Rs.10,000/- towards the arrears of maintenance and Rs.3,000/- as litigation cost within timeframe. He further submits that if the petitioner gets bail he will be able to arrange for the payment of the balance of arrears. Looking to the overall facts and circumstances of the case I am inclined to pass the following order:

(a) On the petitioner depositing Rs.3,000/- within ten days from today as litigation cost, the petitioner

may be released on bail in the sum of Rs.5,000/- with one or two sureties of the like amount for a period of four weeks therefrom i.e. the date of his release. The petitioner to deposit Rs.10,000/- as aforestated, within four weeks from his release on bail. If the petitioner fails to deposit Rs.10,000/- within the time aforestated, he shall surrender and suffer remaining simple imprisonment as per the impugned order.

(b) On the petitioner depositing Rs.3,000/- as litigation cost within ten days from today, issue notice to respondent no.1, returnable in six weeks. In addition to the Court notice, the petitioner shall serve respondent no.1 by the advocate’s notice either personally or through R.P.A.D./speed post /e-mail/fax and file affidavit of service within five weeks from today, failing which, this application shall stand dismissed for non prosecution without further reference to the Court, even if the court notice remains unserved.

. If the petitioner fails to deposit the litigation cost within the time stipulated, this petition shall stand dismissed for non prosecution without further reference to the Court. Stand over for six weeks.

(D.B.Bhosale, J.)